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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/987,262	11/14/2001	Miho Hatanaka	216092US0	6841

22850 7590 11/30/2004

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EXAMINER

LANGEL, WAYNE A

ART UNIT PAPER NUMBER

1754

DATE MAILED: 11/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.



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SERIAL NUMBER	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT

PAPER NUMBER

DATE MAILED:

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

☐ This application has been examined ☒ Responsive to communication filed on 9-17-04 ☐ This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- | | |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited by Examiner, PTO-892. | 2. <input type="checkbox"/> Notice of Draftsman's Patent Drawing Review, PTO-948. |
| 3. <input type="checkbox"/> Notice of Art Cited by Applicant, PTO-1449. | 4. <input type="checkbox"/> Notice of Informal Patent Application, PTO-152. |
| 5. <input type="checkbox"/> Information on How to Effect Drawing Changes, PTO-1474. | 6. <input type="checkbox"/> _____ |

Part II SUMMARY OF ACTION

1. ☒ Claims 26-37, 39-42 and 44-48 are pending in the application.

Of the above, claims _____ are withdrawn from consideration.

2. ☐ Claims _____ have been cancelled.

3. ☒ Claims ~~26-37, 39-42, 44 and 45~~ are allowed.

4. ☒ Claims ~~26-37, 39-42, 44 and 45~~ 46-48 are rejected.

5. ☐ Claims _____ are objected to.

6. ☐ Claims _____ are subject to restriction or election requirement.

7. ☐ This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.

8. ☐ Formal drawings are required in response to this Office action.

9. ☐ The corrected or substitute drawings have been received on _____. Under 37 C.F.R. 1.84 these drawings are ☐ acceptable; ☐ not acceptable (see explanation or Notice of Draftsman's Patent Drawing Review, PTO-948).

10. ☐ The proposed additional or substitute sheet(s) of drawings, filed on _____, has (have) been ☐ approved by the examiner; ☐ disapproved by the examiner (see explanation).

11. ☐ The proposed drawing correction, filed _____, has been ☐ approved; ☐ disapproved (see explanation).

12. ☐ Acknowledgement is made of the claim for priority under 35 U.S.C. 119. The certified copy has ☐ been received ☐ not been received ☐ been filed in parent application, serial no. _____; filed on _____.

13. ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.

14. ☐ Other

EXAMINER'S ACTION

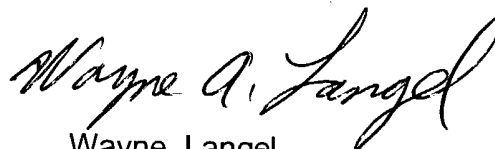
Claims 46-48 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is indefinite as to whether the composite metal oxide is actually obtained by the recited method steps, or whether it is merely "obtainable" thereby. The word "obtainable" should be changed to -- having been obtained -- in line 10 of claims 46 and 47, and line 11 of claim 48, to avoid this objection. In line 12 of claims 46 and 47, and line 13 of claim 48, it is indefinite as to whether the metal M_1 must necessarily be cerium, and whether the metal M_2 must necessarily be at least one element selected from the group consisting of aluminum, titanium and silicon. The word "a" (both occurrences) should be changed to -- said -- in line 12 of claims 46 and 47, and line 13 of claim 48, to avoid this objection. In claim 48, it is indefinite as to whether the composite oxide powder must necessarily contain an oxide of a metal M_3 , since there is nothing recited in the process steps in lines 12-21 which would require that the product contain an oxide of a metal M_3 .

Claim 48 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The specification does not enable one to form a composite oxide powder containing an oxide of a metal M_3 without including a source of the metal M_3 in the method for producing the composite oxide powder.

Claims 26-37, 39-42, 44 and 45 are allowed.

Art Unit: 1754

Any inquiry concerning this communication should be directed to Wayne Langel
at telephone number 571-272-1353.

A handwritten signature in black ink that reads "Wayne A. Langel". The signature is written in a cursive style with a large, looping 'L' and 'A'.

Wayne Langel
Primary Examiner
Art Unit 1754